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SUBJECT: KENYA'S IMPLEMENTATION OF THE WOMEN'S JUSTICE AND  
EMPOWERMENT INITIATIVE

REF: A. STATE 50186

- [1](#)B. NAIROBI 1819
- [1](#)C. STATE 163442
- [1](#)D. CUNDIFF-POST EMAIL 9/8/06
- [1](#)E. STATE 00178861
- [1](#)F. NAIROBI 4335

[1](#)1. Summary: Post reiterates our firm commitment to implementing the WJEI program in Kenya and looks forward to implementing an effective initiative to bolster Kenya's capacity to combat violence against women. Post Mission Planning Team (MPT), comprised of USAID, DOJ, RSO, Political, and the Front Office, has reviewed the Assessment Team's proposed activities (ref A), Post's response to that proposal (ref B), and the Department's implementation guidance (refs C and E). Based on this analysis, Post's plan, as requested in ref C, is outlined below.

[1](#)2. Post understands that, at this time, Washington's preference is to accommodate a new full-time ICITAP as well as a half time OPDAT position. While Post can proceed along these lines, Post feels a duty to share an alternative approach. Therefore, for Washington's consideration, this cable includes proposed alternatives for reprogramming some OPDAT personnel costs and outlines the advantages of the proposed alternative, both in terms of programmatic impact, expedited implementation, and security considerations.

[1](#)3. There remains an urgent need to articulate an overall WJEI Kenya strategy, develop an integrated design document and collect baseline data expeditiously. These overarching activities must be effectively accommodated to attain the WJEI goal.

[1](#)4. Under the leadership of the DCM, post will effectively coordinate and implement the WJEI program. Post has outlined critical initial activities. However, a specific timeline will depend on staffing for the overall program. End Summary.

#### Securing Host Country Buy-In

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[1](#)5. Ref C paragraph 10 requests that Post continue to engage host country governments to discuss expectations and desired outcomes for WJEI. Post has not officially engaged the GOK following the Joint Assessment Team Mission. Initially Post awaited endorsement of its proposal (ref B), which conceptualized a WJEI program based on the Joint Assessment Team recommendations. Given the apparent gap between those recommendations and Washington's priorities, Post did not undertake further programmatic consultations. Consequently, while Post has not formally engaged the GOK regarding a final program, recent experiences suggest that a careful and

deliberate approach is the most appropriate. Of late, the GOK has expressed concern about over saturation of training in the criminal justice sector and the heavy commitment of time of personnel from various agencies.

#### Outline for Care and Support and Awareness Components

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As requested in Ref C paragraph 11, the strategic priorities for care and support and awareness are outlined below.

### 16. Strategic Priority: Care and Support

#### Program Element 1: Provision of Care and Support Services

**Objective:** Create a friendly environment for the management of victims of gender-based violence in the Kibera community including rape management and post-exposure prophylaxis (PEP) treatment at health facilities. Nairobi's Kibera area is the largest slum in East Africa. If sufficient funding were available, this project would expand services in Kibera and extend them to Western Province, the most appropriate province for future expansion of the program.

**Strategy:** To provide both specialized medical and psychological treatment to victims of domestic violence and sexual abuse. The activity will target women and children victims of gender violence and offer emergency post-exposure prophylaxis (PEP) services. Staff at health facilities and community health workers will be trained and sensitized to administer proper care to victims of gender-based violence and facilitate the development of post-rape support groups. This activity will further establish a training framework, with the goal of bringing about behavioral change at the community level and in health care facilities. One of the desired residual impacts will be to strengthen linkages with the police and the public awareness activity focused on

gender-based violence in communities. This activity will also seek to assist in improving the capacity of community health workers, institutions, and government agencies to address sexual violence and offer treatment, referral, and supportive services to survivors. In addition, this activity will link to and work closely with organizations of people living with AIDS in order to further strengthen support groups to deal with their HIV status.

**Budget Scenarios:** Under a year one low-budget scenario (USD400,000), essential services for care and support would only be provided in the Kibera informal settlement area of Nairobi. Under a higher-budget scenario (USD2,050,000), more comprehensive services would be offered in Kibera and extended to one province. Demographic and Health Survey data, including information on gender-based violence, suggests that Western Province, which has the highest rates of violence against women in the country, would be the most appropriate region for inclusion into the program.

**Desired Output:** Increased numbers of facility and community health workers with the skills to provide medical and other services to victims of domestic violence and sexual abuse, and increased number of individuals participating in support groups.

**Outcome to be Measured:** Number of victims receiving care and support services. We expect to experience an ever-growing demand for services, including critical medical services with a special focus in obstetrics and gynecology. This would measure the number of individuals receiving PEP and other referral for other services such as family planning and STI treatment.

**Expected Long Term Impact:** Create a friendly environment for the management of victims of gender-based violence in the community, including rape management and post-exposure prophylaxis (PEP) treatment at health facilities.

### 17. Strategic Priority: Awareness

## Program Element 1: Increasing Awareness

**Objective:** Increased public awareness of the importance of combating gender-based violence and the availability of care and support services.

**Strategy:** To increase awareness of gender-based violence and victims, knowledge of how to access care and support services in Kibera through an integrated media campaign and community mobilization program. Implementation will be sequenced in two phases.

### Phase I ) Assessment and Awareness of Victims, Care and Support Services

Phase 1 will begin with an assessment of gender-based violence in Kibera. Data will be collected and analyzed to assess all aspects of the issue including the current attitudes towards gender-based violence; the presence and effectiveness of community police and the access and availability of victim care and support services; as well as awareness of victims, rights under the newly enacted Sexual Offences Act. The assessment results will serve two critical functions. First, they will be the basis for designing the content of the Phase II awareness component outlined below. Second, the assessment will establish baseline data from which targets will be identified to measure the impact of the awareness component.

To ensure timely implementation of the overall WJEI program, the first elements of the awareness campaign will commence concurrently with the assessment activities. The initial focus will be limited to increasing knowledge of the services available for victims of gender-based violence and locations where victims can access treatment (including information of HIV/AIDS prevention).

### Phase II ) Awareness of Community Policing, Victims, Rights, and Changing Attitudes towards Gender-based Violence

Under phase II, awareness activities will increase in scope and depth. The scope will expand to publicize community policing efforts, increase awareness of victims, rights under the newly enacted Sexual Offences Act, and seek to change the attitudes of targeted segments of the community towards gender-based violence. Awareness activities would have a comprehensive mass media campaign effectively

saturating the target audience with key messages. Moreover, a civil society program would complement the media campaign by integrating a community mobilization and individual behavior change focus. Post would award two to five grants to local organizations through a competitive process. These organizations would design and implement programs that:

- utilize community and school-based education and information campaigns about the availability of medical and legal services and the existence of community policing programs aimed at redressing and preventing gender-based violence;

- address gender-based attitudes, relations and violence that focus on men, particularly young men;

- use community-wide meetings, knowledge-building workshops, peer group discussions, and possibly theater/drama to challenge gender inequities related to gender-based violence; and

- raise awareness through seminars and workshops with students, parents, teachers, government officials, religious leaders, and NGOs in relation to gender-based violence in the work place and schools.

Such activities would incorporate young celebrity musicians and athletes, as well as respected religious and political leaders.

**Budget Scenarios:** With funding levels of USD950,000 Phase I and Phase II would be sequenced, but both would begin in year one. Under a lower budget scenario, with a budget of

USD400,000, awareness activities in the first year would be limited to those outlined in Phase I. Simultaneous with the assessment, the implementation of the initial awareness campaign will begin. A more limited radio and print mass media campaign will be utilized and there will be no complementary civil society element in year one. Phase II activities will begin in year two applying the same approach outlined in the high budget scenario.

Outputs to be Measured: An integrated multi-media awareness campaign addressing gender-based violence.

Desired Outcome: Increased awareness of the levels of gender-based violent crime in Kibera, increased awareness of key provisions of the Sexual Offenses Act, increased awareness of community policing efforts as well as increased awareness of medical services available to victims of gender-based violence.

Expected Long Term Impact: An increase in the percentage of gender-based violent crimes reported in Kibera and an increase in the number of Kibera residents, who have been victims of gender-based violence, seeking care and support. At the higher level of funding, over time, Post would also expect to realize a decrease in the number of gender-based violence offences committed in Kibera.

Proposal for Reallocation of Budget for  
Additional OPDAT Personnel

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¶9. While Post would accommodate Washington's preference for a 50 percent OPDAT RLA, as noted in ref F, Post reiterates its proposal to use OPDAT staff/expertise on a TDY basis rather than engage a 50 percent RLA. This recommendation is grounded in our desire to optimize program impact, our ability to maximize existing personnel and programmatic economies of scale, and office space and security constraints that limit the number of additional full-time/PCS staff that post can accommodate.

¶10. If the budget to support additional personnel were reprogrammed for technical assistance and training, the WJEI program activities would gain, conservatively, USD300,000. This additional savings would translate into the following tangible gains for the program:

An additional 30 specialized training programs for up to 20 prosecutors, per year. Each of these programs would be 3-4 days in length. These costs would include those incurred for procuring experts who would serve as instructors as well as acquiring equipment like video cameras to assist in skills development.

The training sessions will be critical in that Police Prosecutors (lay prosecutors), who prosecute 90 percent of the criminal cases in Kenya and virtually all of the crimes that would be the focus of the WJEI program, will be incorporated into these training sessions. The lay

prosecutors are roughly 4-5 times the number of the professional prosecutors of the Department of Public Prosecutions (DPP).

These additional 30 programs would be essential in skills development, which in turn would have a direct and measurable impact on the ability of the prosecutors to assess evidence and effectively prosecute cases.

More intensely and comprehensively trained prosecutors will be more effective in using the judicial system to protect the rights of women victims, i.e., seeking protective orders to safeguard victims.

The additional training will translate to 25-35 percent increase in successful prosecutions in the designated region of focus.

Finally, the additional funding can be used to build the DPP's institutional capacity (i.e., the development of a database that would track prior offenders and prior case dispositions) to effectively and efficiently deal with rape cases.

¶11. Not only do we believe it is advantageous to the WJEI objectives to redirect the current budget towards technical assistance and training, but Post is concerned that the estimated personnel budgets submitted may be conservative. The OPDAT proposed budget raises several concerns:

Do costs associated with post differential, cost of living adjustment, office furniture, IT equipment, etc. need to be added to the budget?

Is ICASS under budgeted? Post estimates increasing the ICASS costs by USD5,000 based on projected FSN salary increments.

Has transportation been adequately considered? Given Post's critical threat status for both crime and terrorism and current motor pool constraints, a vehicle and driver would need to be budgeted.

Thus, we are concerned that already scarce technical assistance and training budgets could be further depleted if a new OPDAT half-time RLA was assigned to Nairobi.

¶12. Post appreciates the valid concern regarding the current RLA funding source. Post reassures Washington that CT is our first priority as reflected in our MPP. We would not suggest the current RLA cover the WJEI portfolio if we felt there was a significant risk that his involvement would diminish his effectiveness in Post's CT initiatives. Three factors support our position: the overlapping nature of the training needed for successful rape prosecutions; the current USAID support to professionalize prosecution, and the ability to tap OPDAT expertise when needed on a short-term basis.

¶13. First, the current reality in Kenya is that, whether CT or other criminal activity, effective prosecution requires basic training in prosecutorial skills as a first step. For that reason, while CT-centered, the current RLA has been authorized to focus on the development of these basic prosecutorial skills. The bulk of the current RLA's work therefore has been to identify the gaps in training and to design effective training programs to fill those gaps. As we conceptualize the OPDAT component of the WJEI program, ninety percent of the first year training will focus on the very same basic skills.

¶14. The current RLA's proposal for skills training for 2006-07, highlights the necessity to incorporate police prosecutors into the training programs to truly be effective. Under the WJEI objectives, it will be also be essential to ensure that police prosecutors receive this basic training since they would be handling more than 50 percent of the criminal prosecutions on behalf of the DPP. Thus at the current stage of the WJEI initiative, its goals are virtually identical to those being pursued by the current RLA at Post. No new training designs for basic prosecutorial skills are necessary. In addition, current work plans which outline this basic training by USAID/OPDAT for the year 2006-07 have been reviewed and approved by the DPP and the GOK.

¶15. Second, USAID currently manages a program to professionalize public prosecutions, which pre-dates the OPDAT program. USAID employs a rule of law advisor to oversee this assistance and has established a Program Coordination Unit within the DPP. This unit is equipped to provide support to USG activities and will be fully engaged with the WJEI related training activities. Thus, we can ensure that the current RLA is not inundated with programmatic responsibilities for the WJEI activities.

¶16. Third, for the additional 10 percent of training and other specific activities related to the DPP and gender-based violence, Post can and will reach out to OPDAT specialists on a short-term basis.

Given these factors, Post feels confident that involvement with the WJEI activities will not be substantial or dilute the current OPDAT RLA's efforts on CT initiatives.

¶17. In addition to having the staff to manage the DPP work, Post also reiterates its concern on overall staffing increases. Post currently has a number of pending NSDD-38 requests. It is clear the New Embassy Compound does not have the physical capacity to accommodate all of these new positions. In fact, the resident RLA and DOJ FSN waited six months for the assignment of permanent dedicated office space. The current assignment of a single block of space will have to be subdivided for the RLA and the program FSN.

¶18. In summary, given scarce resources available to the WJEI program, programmatic benefits of realigning resources, the correlation between current program support to prosecutors and that proposed under WJEI, and the space and security constraints on staffing levels, Post strongly recommends the operation of the prosecution component under the current staffing structure.

#### Additional Design and M&E Activities Not Addressed in Specific Components

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¶19. Post feels a well-integrated WJEI proposal was submitted in April. However, now four separate program descriptions (police, prosecution, care and support, and awareness) exist. Going forward, we will require significant flexibility from Washington to the field to develop the details of an integrated and effective program if we are going to have measurable results in three years. Two activities, not specifically identified in any current component proposals, must happen immediately. First, a strategy and design document is critical. A strategy that reintegrates the component parts and articulates the cumulative impact of the program must be drafted. Given the importance of time, this document should also include a design for integrating all component (police, prosecution, awareness, and support) activities in Kibera and obtaining GOK buy-in. Second, baseline data must be collected. Post cannot overstate the need to collect credible baseline data in order to monitor and evaluate performance under the initiative. While each of the components addresses some specific monitoring and evaluation needs, there is a critical need for baseline data that will measure the overall impact of the WJEI program. It will be essential to collect the following statistical data, or reliable proxies, for Kibera:

- men's perception of gender-based violence;
- levels of knowledge of victim's rights under the Sexual Offences Act;
- the level of knowledge of care and support services available to support victims and the perceptions of such services;
- the level of awareness of community policing efforts and the perceptions of these community police officers;
- the number of rapes perpetrated in Kibera;
- the number of rapes reported to police;
- the number of reported rape cases investigated by the police;
- the number of investigations completed;
- the number of cases opened by the prosecutors;
- the number of cases the victims declined to pursue;
- the cases filed in court;
- the number of cases reaching final judgment; and
- the number of victims, resident in Kibera, receiving emotional and physical support from Kenyatta National Hospital.

Once a baseline survey is completed, Post Mission Planning Team, chaired by the DCM, will identify performance targets for each year of the program for presentation to Washington. This survey will be conducted on an annual basis.

¶20. Unfortunately, the question of how such overarching activities will be funded is unclear. Given the evolution of this program, funding was allocated per individual components, rather than for the overall initiative. There will be ongoing elements of the program that are cross cutting. We urge Washington to consider future funding for



such activities. While Post is agnostic as to what Agency

budget these funds are allocated to, we feel that recognition of the importance of such funds is critical for program success.

¶21. For the three activities identified above, Post suggests the following approach. A lead consultant, with expertise in program design in this field, be contracted to work with representatives from all Agencies to draft the strategy and design documents. Post estimates such a consultancy would require four weeks in the field and cost approximately USD60,000. Post suggests that funding from the Care and Support component be utilized for this purpose. The initial baseline survey will likely cost approximately USD75,000 - USD150,000. Post suggests that this be funded by the Awareness Component, since this information will be vital to developing an effective awareness campaign. If additional resources are not identified in the future, the Post suggests that the annual survey be funded by other components in the second and third year of the program.

#### WJEI Mission Management, Coordination and Timelines

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¶22. Post welcomes Washington's request for a statement defining Post's intended management structure of the program as well as initial responsibilities, initial activities, and timeline as outlined in Reftel C, paragraph 11. The Mission Planning Team, comprised of USAID, DOJ, RSO, Political, and the Front Office will immediately initiate monthly meetings chaired by the DCM. The DCM will assign roles and responsibilities as they arise. Initial responsibilities will include assigning a Coordinator and Team Leaders. A WJEI Coordinator will be responsible for overall program coordination and will report on the program directly to the DCM. This individual will oversee development of the integrated WJEI strategy and ensure overall program monitoring and evaluation to assess the impact of the WJEI program. The DCM will also designate three Team Leaders for the program components: Care and Support, Legal/Judicial, and Awareness. These individuals will oversee implementation of the various components. They will also be responsible for reporting on program progress and will work with the Coordinator to ensure compliance with all reporting requirements.

¶23. Initial activities will include:

- ¶1. Develop an integrated strategy and design for the integrated Kibera program.
- ¶2. Develop SOW and award contract for baseline data collection.
- ¶3. Award contract for Phase I awareness activities.
- ¶4. Develop effective strategy to integrate police and DPP prosecution elements.

¶24. The question of a timeline will depend on Washington's decision on Post staffing. Given the importance of evidencing impact under this Presidential Initiative Post feels the need to be candid. If Post's experience is the most reliable indicator, implementation would be delayed significantly if new ICITAP and/or OPDAT staff were designated to implement this program.

¶25. Utilizing current staff and one immediate virtual team member for ICITAP, Post feels that the two activities, identified above, could commence immediately with the fourth occurring in January. However, Post is not able to outline a concrete timeline for any police assistance without further consultations with ICITAP. This will also affect the timeline for implementing Kibera activities that integrate health workers, police, and prosecutors.

¶26. Post trusts that this plan provides Washington with a road map of how we propose to move forward with the WJEI program. We look forward to your response and any queries you may have in the near future.

RANNEBERGER